

SPECIAL MEETING OF LICENSING AND SAFETY COMMITTEE

Monday, 8th December, 2008 at 6.00 p.m.
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillor D Blood (Vice Chairman)
Councillors Mrs Ameson, Mrs Aston, Cotterill, Mrs Coulter, Mrs Cowell,
Mrs Dunn, A Finch, Nottingham, Taylor, Tyler, Vickers and Woodall

Officers

Interim Director of Law and Property, Licensing Officer and Mr J
Jablonski (all Directorate of Law and Property) and Food and
Occupational Safety Manager (Directorate of the Urban Environment)

ALSO IN ATTENDANCE

PC K Sinar – West Midlands Police

6 **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of
Councillor Mottram.

7 **DECLARATIONS OF INTEREST**

No member made a declaration of interest in accordance with Members'
Code of Conduct.

8 **MINUTES**

RESOLVED

That, the minutes of the Meeting of the Committee held on 22nd
May, 2008, be approved as a correct record and signed.

9 **ALCOHOL CONSUMPTION IN PUBLIC PLACES – BRIERLEY HILL
TOWN CENTRE**

A report of the Interim Director of Law and Property was submitted on a
proposal that an Order be made making Brierley Hill Town Centre a
designated public place where the consumption of alcohol would be
prohibited other than within the curtilage of licensed premises.

Attached at Appendix 1 to the report submitted was a copy of a plan showing the proposed area to be designated. A further copy of the plan clearly identifying the boundaries of the proposed designated area had also been circulated to members. Attached at Appendix 2 to the report submitted was a report from West Midlands Police summarising the problems associated with the consumption of alcohol in and around Brierley Hill town centre within the proposed designated area.

In his presentation of the report the Interim Director of Law and Property referred in particular to the procedure for the making of an Order, as outlined in the report submitted. In accordance with that procedure should the Committee agree to the making of an Order, in principle, further consideration would be given to this matter at a future meeting of the Committee following the necessary consultations and publishing of a notice in a local newspaper.

PC Sinar then highlighted various aspects of the report of the West Midlands Police submitted as evidence for the proposal.

Arising from the consideration given to this matter comments were made on a possible extension of the designated area to include the Dell Recreation Ground and relating to the possible implementation of a borough wide alcohol ban. In respect of the latter matter the Interim Director of Law and Property agreed to investigate this matter further in the light of information referred to at the meeting relating to a neighbouring authority.

It was also suggested that any similar reports submitted to the Committee include a plan showing those areas of the borough where the public consumption of alcohol was already prohibited.

RESOLVED

That approval be given to the introduction, in principle, of a Designation Order for Brierley Hill Town Centre, as shown on the plan attached at Appendix 1 to the report submitted, and as circulated to members, the effect of which, if introduced, will prohibit the consumption of alcohol within the designated area other than within the curtilage of licensed premises, and that the Interim Director of Law and Property be authorised to undertake the necessary consultations and publish a notice in a local newspaper in accordance with the procedure for the making of an Order, as outlined in the report submitted.

A report of the Director of the Urban Environment was submitted on the Health and Safety Service Plan 2008 - 09 and on progress with the activities detailed in the Plan at the half year stage.

The Food and Occupational Safety Manager in her presentation of the report highlighted various aspects contained within the Appendices attached to the report relating to, at Appendix 1, Achievements of the health and safety enforcement service in 2008 - 09, at Appendix 2, Summary of key activities in the health and safety work programme for 2008 -09 and at Appendix 3 to the report submitted - Half year review – 1st April – 30th September, 2008. It was noted that implementation of the Plan at the half-year stage was on target.

Arising from comments made the Manager, and her team, was thanked for the work undertaken and it was:-

RESOLVED

That the information contained in the report, and Appendices to the report, submitted on the Health and Safety Enforcement Service Plan 2008 - 09 be endorsed and progress, with regard to delivery of the service at the half-year stage, noted.

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VERBAL UPDATES OF THE INTERIM DIRECTOR OF LAW AND PROPERTY

The Interim Director of Law and Property reported on aspects of the Queen's speech relating to licensing, with particular reference to measures to reduce the availability of cut price alcohol and cut price promotions, and enforcement issues.

He also referred to a recent judgement against St Alban's Council whereby the judge in that case held that courts were entitled to take into consideration the fact that residents would usually know a pub was there before they moved to the area. The implication of this was that it would be harder for local residents to make representations against pubs and clubs to Council Licensing Committees if the venue operated prior to them moving into the area and the operators were prepared to offer 'best practicable means' to alleviate any problems. It was noted that this judgement would need to be borne in mind when members sat at meetings of this Council's Licensing Sub-Committees when considering applicable applications.

The Interim Director of Law and Property also referred to an issue in respect of gambling whereby operators nationally were seeking to place more than four category B gaming machines in premises. Only one such case had been dealt with in this borough and had been allowed as there was a separate entrance to the particular premises. Government advice on this matter was that only four machines should be allowed in a premises and therefore those authorities in other areas that had allowed further machines would need to review their position. Again it was noted that this matter may be raised when members sat in their various Licensing Sub-Committees.

It was also noted that in respect of bingo halls they could now have up to eight category B gaming machines.

RESOLVED

That the information as now reported on, with particular regard to licensing and gambling issues, be noted.

The meeting ended at 7.00 pm

CHAIRMAN